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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 10/547,999 Filing Date September 7, 2006 MRANSMITTAL PORTNOY, DANIEL A. First Named Inventor Group Art Unit 1645 used for all correspondence after initial filing) **Examiner Name** Not yet assigned Attorney Docket Number **BERK-017CIP** Total Number of Pages in This Submission ENCLOSURES (check all that apply) Fee Transmittal Form **Assignment Papers** After Allowance Communication (for an Application) to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Reply Licensing-related Papers After Final Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Petition Affidavits/declaration(s) Proprietary Information Petition to Convert to a Extension of Time Request **Provisional Application** Status Letter **Express Abandonment Request** Power of Attorney, Revocation Change of Correspondence Information Disclosure Statement Other Enclosure(s) (please Address identify below): SB08A form (total 3 pgs.) **Terminal Disclaimer** Return Postcard Certified Copy of Priority Request for Refund **Documents** CD, Number of CD(s Response to Missing Parts/ Incomplete Application Remarks Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Signing Attorney/Agent EDWARD J. BABA, 52,581 (Reg. No.) BOZICEVIC, FIELD & FRANCIS, LLP Signature

## EXPRESS MAIL LABEL NO. EV 687 633 932 US

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Express Mail No. EV 687 633 932 US

INFORMATION	Attorney Docket	BERK-017CIP	
DISCLOSURE STATEMENT	First Named Inventor	PORTNOY, DANIEL A.	
	Application Number	10/547,999	
	Confirmation No.	6366	
Address to: Mail Stop Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Filing Date	September 7, 2006	
	Group Art Unit	1645	
	Examiner Name	Not yet assigned	
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Sir:

This is an Information Disclosure Statement submitted for the Examiner's consideration. A Form PTO-SB/08A listing the references and copies of the cited references accompany this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record.

All of the references identified herein were disclosed in parent application serial number 10/136,860 filed 04/30/2002 and as such, copies thereof are not included pursuant to the provisions of 37 CFR § 1.98(d).

This Information Disclosure Statement is not intended as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one of the above references constitutes prior art to the present application within the meaning of 35 U.S.C.§102.

As applicants have not yet received a first Action on the merits, no fee is believed to be required for filing this Disclosure Statement. If, however, the PTO finds that for some reason a fee is due, our Deposit Account No. 50-0815, Order No. BERK-017CIP may be charged thereon.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: Feb. 2, 2007

Edward J. Bab

Registration No. \$2,581

BOZICEVIC, FIELD & FRANCIS LLP 1900 University Avenue, Suite 200 East Palo Alto, California 94303 Telephone: (650) 327-3400

Facsimile: (650) 327-3231

PTO/SB/08a (09-06)

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5	Substitute for form				Complete if Known				
					Application Number	10/547,999			
INFORMATION DISCLOSURE					Filing Date	September 7, 2006			
:	STATEMENT BY API	PLIC	CANT		First Named Inventor	PORTNOY, DANIEL A.			
					Art Unit	1645			
(Use as many sheets as necessary)					Examiner Name				
haat	1	of	2	)	Attorney Docket Number	BERK-017CIP			

			U.S. PATENT	DOCUMENTS	
Examiner Initials'	Cite No.1	Document Number  Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
-		US- 5,830,702	11-03-1998	Portnoy, et al.	
•		US- 6,099,848	08-08-2000	Frankel, et al.	
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		FOREIG	GN PATENT DOC	UMENTS		
Examiner Initials'	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Τ <sup>6</sup>
		WO 99/25376	05-27-1999	Frankel, et al.		
		WO 00/09733	02-24-2000	Portnoy, et al.		
		WO 99/07861	02-18-1999	Frazao, et al.		
		WO 02/08431	01-31-2002	Francis, et al.		Г

Examiner	Date	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute	for form 1449B/PTO			Application Number	10/547,999
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	(Use as many sheets as necessary)			Examiner Name	
Sheet	2	of	2	Attorney Docket Number	BERK-017CIP

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
		LAUER et al "Construction, Characterization, and Use of Two Listeria Monocytogenes Site-Specific Phage Intergration Vectors" Journal of Bacteriology, August 2002, Vol. 184. NO15, pps4177-4186	
		SCHAFERKODT et al. "Vector Plasmid for Insertional Mutagenesis and Directional Cloning in Listeria spp" BioTechniques, 1995 Vol. 19 Number 5, pages 720-725	
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		REITER et al. "Transfer RNA Genes Frequently Serve As Integration Sites For Prokaryotic Genetic Elements" Nucleic Acids Research, 1989, Vol. 17, No. 5. pp. 1907-1914	
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•		LOESSNER et al. (Molecular Microbiology, 35(2):324-340, 2000)	
		HODGSON et al. (Molecular Microbiology, 35(2):312-323, 2000)	
		AUTRET, et al. "Identification of New Genes Involved in the Virulence of Listeria monocytogenes by Signature-Tagged Transposon Mutagenesis," (2001) 69(4):2054-2065.	
Examiner	1	Date	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Signature

Considered

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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